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Erroneous examples/Fujitsu, European Patent Office (EPO Board of Appeal), 23 February 2010

Ferry van Looijengoed · Sunday, April 18th, 2010 · Landmark European Patent Cases

In this case, the Board of Appeal had to decide whether a claim containing a feature for which the description contained erroneous figures only met the requirements of Article 83 EPC (sufficiency of disclosure) and Rule 27(1)(e) EPC 1973 (corresponding to Rule 42(1)(e) EPC 2000). The Board of Appeal decided that a patent application should always describe at least one way of carrying out the invention that can be understood by a skilled person. This requirement is laid down in both Article 83 EPC and Rule 27(1)(e) EPC 1973. The purpose of examples as mentioned in Rule 27(1)(e) EPC 1973 is primarily to complete an otherwise incomplete teaching. When the teaching is complete for a skilled person without the examples, the requirement of Rule 27(1)(e) EPC 1973 is fulfilled.

A [full summary](#) of this case has been published on [Kluwer IP Law](#).

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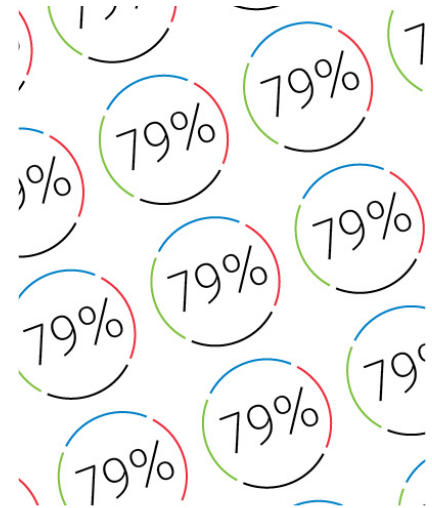
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